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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,990	07/25/2001	Daniel J. Marchok	11521US02	5949
23446	7590	08/05/2005		EXAMINER
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**SECOND SUPPLEMENTAL  
Notice of Allowability**

Application No.	Applicant(s)	
09/912,990	MARCHOK ET AL.	
Examiner	Art Unit	
Duc C. Ho	2665	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed 02-16-05.
2.  The allowed claim(s) is/are 34-37, 39-42. Renumbered 1-8, respectively.
3.  The drawings filed on 25 July 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  - of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## Acknowledgment

1. In response to a recent inquiry of the Applicant (08-03-05) about an inadvertent typo error having extra two words “**of the**” in claim 34-line 9, and claim 39-line 9 of the Notice of Allowability produced by Supervisory Patent Examiner Huy Vu, which has been scanned on 06-29-05, the Examiner Amendment below is created and attached to a second Supplement Notice of Allowability for correction to the noticed error.

## EXAMINER 'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph M. Barich on 06-17-05.

The application has been amended as follows:

In the claims:

Claim 34, line 9, after “wherein”, insert --- at least one unit band pass filtering and under sampling bins from transmitter to provide a signal corresponding to a fewer than all of the bins transmitted by the transmitter, and ---.

Claim 34, line 11, after “symbols”, insert --- by a multiple of a predetermined phase angle ---.

Claim 39, line 9, after "wherein", insert --- at least one unit band pass filtering and under sampling bins from transmitter to provide a signal corresponding to a fewer than all of the bins transmitted by the transmitter, and ---.

Claim 39, line 10, after "symbols", insert --- by a multiple of a predetermined phase angle ---.

***Reason for Allowance***

3. Regarding claims 34-37, and 39-42, the prior art fails to teach or suggest a communication system employing radio frequency mixing frequencies to transmit and receive data symbols comprising a plurality of remote units, wherein at least one unit band pass filtering and under sampling bins from transmitter to provide a signal corresponding to a fewer than all of the bins transmitted by the transmitter, and the at least one unit is responsive to the at least one predetermined signal to adjust the phase of at least some of the received data symbols by a multiple of a predetermined phase angle, in combination with other limitations, as specified in the independent claims 34, and 39.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho  
08-03-05